

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

YEMANE AMARE,

Plaintiff(s),

v.

MICHAEL J. ASTRUE, Commissioner  
of Social Security,

Defendant(s).

2:12-CV-955 JCM (VCF)

**ORDER**

Presently before the court is Magistrate Judge Ferenbach's report and recommendation. (Doc. # 20). No objections have been filed, and the deadline to do so has passed.

Plaintiff has filed a complaint asking this court to reverse the decision of the administrative law judge ("ALJ") or, alternatively, remand to the Social Security Administration ("SSA") so that the ALJ may properly evaluate the evidence. (Doc. # 1). Upon review of the complaint, the magistrate judge determined that the ALJ's decision was based on legal error. The magistrate recommends that plaintiff's motion to remand (doc. # 9) be granted so that the ALJ may properly consider plaintiff's post traumatic stress disorder. The magistrate further recommends that defendant's cross motion for summary judgment (doc. #13) be denied.

This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a de novo

1 determination of those portions of the [report and recommendation] to which objection is made.”  
2 28 U.S.C. § 636(b)(1).

3       Where a party fails to object, however, the court is not required to conduct “any review at all  
4 . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985).  
5 Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate  
6 judge’s report and recommendation where no objections have been filed. *See United States v.*  
7 *Reyna–Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the  
8 district court when reviewing a report and recommendation to which no objections were made); *see*  
9 *also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit’s  
10 decision in *Reyna–Tapia* as adopting the view that district courts are not required to review “any  
11 issue that is not the subject of an objection.”). Thus, if there is no objection to a magistrate judge’s  
12 recommendation, then this court may accept the recommendation without review. *See, e.g.,*  
13 *Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a magistrate judge’s recommendation  
14 to which no objection was filed).

15       Nevertheless, this court finds it appropriate to engage in a de novo review to determine  
16 whether to adopt the recommendation of the magistrate judge. Upon reviewing the recommendation  
17 and underlying briefs, this court finds good cause appears to ADOPT the magistrate’s findings in  
18 full.

19       Accordingly,

20       IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Magistrate Judge  
21 Ferenbach’s report and recommendation (doc. # 20) be, and the same hereby is, ADOPTED in its  
22 entirety.

23       IT IS FURTHER ORDERED that defendant’s cross motion for summary judgment (doc. #  
24 13) be, and the same hereby is, DENIED.

25 . . .

26 . . .

27 . . .

1 IT IS FURTHER ORDERED that plaintiff's motion to remand (doc. # 9) be, and the same  
2 hereby is, GRANTED.

3 DATED September 27, 2013.

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6 UNITED STATES DISTRICT JUDGE